IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA)							
	Plaintiff,) 8:05CR145)					
	vs.)) DETENTION ORDER					
CA	ESAR HINOJOSA,	,)					
	Defendant.	,					
A.	Order For Detention After waiving a detention hearing pursuant to on April 27, 2005, the Court orders the above U.S.C. § 3142(e) and (i).						
B.	The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.						
C.	methamphetamine (Count minimum sentence of ten yimprisonment; and the use trafficking offense (Count va mandatory consecutive sa mandatory consecu	Report, and includes the following: offense charged: to distribute in excess of 500 grams of I) in violation of 21 U.S.C. § 846 carries a years imprisonment and a maximum of life e and carrying of a firearm during a drug II) in violation of 18 U.S.C. § 924(c) carries sentence of five years imprisonment. Fiolence - see 18 U.S.C. § 3156(a)(4)(B). Cotic drug. The defendant is high. The defendant including: The defendant including: The defendant will appear. The second and the second area. The second area in the area. The second area is no steady employment. The second area is no substantial financial resources. The second along time resident of the community. The second area is not have any significant community ties.					

DETENTION ORDER - Page 2

					fendant has a prior record of failure to appear at court	
		(h)			dings.	
		(D)	At the time of the current arrest, the defendant was on: Probation			
			Pa		IOII	
					se pending trial, sentence, appeal or completion of	
				nten		
		(c)	Other Fa	acto	rs:	
				e de	defendant is an illegal alien and is subject to deportation fendant is a legal alien and will be subject to deportation	
			X	The	cted. Bureau of Immigration and Custom Enforcement (BICE) placed a detainer with the U.S. Marshal.	
				ner:	·	
<u>X</u>	(4)	are as	s follows:	The	iousness of the danger posed by the defendant's release a nature of the charges in the Indictment and the prior ne defendant.	
	/- \					
<u>X</u>	(5)		ttable Pr			
	In determining that the defendant should be detained, the Court also relied or the following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e)					
					ds the defendant has not rebutted:	
	X (a) That no condition or combination of conditions will reasonably assure					
		_ ()			nce of the defendant as required and the safety of any	
			•		and the community because the Court finds that the crime	
			involves			
			<u>X</u>	` '	A crime of violence; or	
			<u>X</u>	(2)	An offense for which the maximum penalty is life imprisonment or death; or	
			X	(3)	A controlled substance violation which has a maximum	
				(0)	penalty of 10 years or more; or	
			(4)	A fe	elony after the defendant had been convicted of two or	
				moi	re prior offenses described in (1) through (3) above, and	
					defendant has a prior conviction for one of the crimes	
	mentioned in (1) through (3) above which is less than five					
				•	irs old and which was committed while the defendant was pretrial release.	
	_X	(b)	That no		dition or combination of conditions will reasonably assure	
		_ (~)			nce of the defendant as required and the safety of the	
	community because the Court finds that there is probable cause to					
			believe:		·	
			<u>X</u>	(1)	That the defendant has committed a controlled	
					substance violation which has a maximum penalty of 10	
			Y	(2)	years or more. That the defendant has committed an offense under 18	
			<u>X</u>	(2)	U.S.C. § 924(c) (uses or carries a firearm during and in	
					relation to any crime of violence, including a crime of	
					violence, which provides for an enhanced punishment if	
					committed by the use of a deadly or dangerous weapon or device).	

DETENTION ORDER - Page 3

- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: April 28, 2005. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge